

AG Contract No. KR00 2177TRN
ADOT ECS File No. JPA 00-186
Amendment One
Project No. TEA-KNG-0(5)P
TRACS No. SL458 01D/01C
Project: Mohave Wash Multi-use
Pathway Kino – Gordon Drive

**INTERGOVERNMENTAL AGREEMENT
AMENDMENT ONE
BETWEEN
THE DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF KINGMAN**

THIS AGREEMENT is entered into this date March 2nd, 2005, Amendment One to JPA 00-186, AG Contract No. KR00-2177TRN filed with the Secretary of State under No. 24442, pursuant to the provisions of Arizona Revised Statutes Section 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, (the "State"), and the CITY OF KINGMAN, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

THE PURPOSE OF THIS AMENDMENT is to adjust the original amount for design and construction as indicated in paragraph 6, per original JPA 00-186 Agreement, executed on January 29, 2001.

THEREFORE, in consideration of the mutual agreements expressed herein, this Agreement is amended as follows:

The following language shall replace Recital 6:

6. The work embraced by this agreement is to construct a multi-use pathway, including landscaping and irrigation for the City of Kingman. The responsibilities of each party are defined under the Scope of Work in this Agreement.

NO. 24442 #01
Filed with the Secretary of State
Date Filed: 03/02/05
Janice K. Brewer
Secretary of State
By: Jimmy D. Gruenewald

The estimated cost is as follows:

Design (SL458 01D)	
Estimated Design Cost	\$ 63,000 00
Federal Aid Funds @94.3%	\$ 59,409 00
Kingman City funds @5.7%	\$ 3,591 00
Construction (SL458 01C)	
Estimated Construction Cost (incl. 15% CE)	\$437,000 00
Federal Aid Funds @94.3%	\$412,091 00
Kingman City funds @5.7%	\$ 24,909 00

EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.

CITY OF KINGMAN

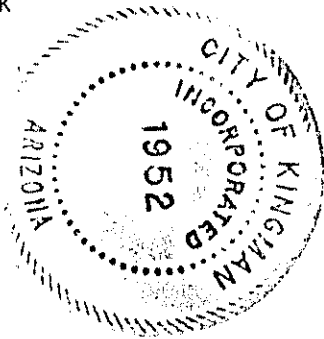
By *Monica Gates*
MONICA GATES
Mayor

STATE OF ARIZONA
Department of Transportation

By *Susan Tellez*
SUSAN TELLEZ
Contract Administrator

ATTEST

By *Toni Weddle*
CHARLENE WARE TONI WEDDLE
City Clerk



CITY OF KINGMAN

REGULAR MEETING OF THE COMMON COUNCIL

6:00 P.M.

Minutes

Tuesday, January 18, 2005

Members:	Officers:	Visitors Signing In:
M. Gates, Mayor	J. Clos, I.S. Director	See attached list
T. Spear, Vice Mayor	R. DeVries, Police Chief	
J. Baker	T. Duranceau, P & Z Director	
T. Carter	P. Johnson, City Engineer	
R. Lyons	J. Kramer, Public Works Director	
P. Moon	C. Osterman, Fire Chief	
D. French	C. Loyd, Finance Director	
	D. Roberts, Comm. Dev. Dir.	
	C. Cooper, Asst. City Attorney	
	J. Walker, HR Director	
	A. Gray, Deputy City Clerk	
	T. Zerkle, Interim City Manager	
	T. Weddle, City Clerk	

Mayor Gates called the meeting to order at 6 p.m. and roll call was taken. All Council Members were present. The Invocation was given by Pastor Bryan Van Dyke of the Kingman Christian Church, after which, the Pledge of Allegiance was said in unison.

1. APPROVAL OF MINUTES (January 03, 2005)

Councilmember Carter made a MOTION to APPROVE the Minutes of January 03, 2005 as written. Councilmember French SECONDED and it was UNANIMOUSLY APPROVED.

2. Resolution No. 4073

--honoring First Call Responders, and proclaiming September 11 to be "Recognition Day" for all First Call Responders in the entire Kingman area

Mayor Gates stated that Resolution No. 4073 declares that September 11th of this, and each subsequent year, will be known, in Kingman, Arizona, as "Recognition Day", honoring public safety personnel and those serving in various branches of the U.S. Armed Forces, both at home and abroad. After the September 11, 2001 tragedy, hundreds of firefighters, law enforcement and EMS personnel lost their lives in the line of duty.

Adoption of this Resolution pays tribute to the men and women in public safety and the U.S. Military, who daily risk their lives in service to their communities and this nation, and it honors the memory of those who paid the ultimate price.

"Recognition Day" honors those who preserve and protect the freedom we enjoy as Americans.

Mayor Gates also stated that Kingman is the first city, in the Country, to adopt September 11 as "Recognition Day".

Vice Mayor Spear then read aloud the names of the following while Mayor Gates presented them with certificates:

Kingman Fire Department, Kingman Police Department, Mohave County Sheriff's Office, Arizona Department of Public Safety (DPS), Hualapai Valley Fire District, Golden Valley Fire Department, Pinion Pines Fire District, River Medical, DPS Air Rescue, Valle Vista Fire District and the Pine Lake Fire District.

Councilmember French made a MOTION to APPROVE Resolution No. 4073. Vice Mayor Spear SECONDED and it was UNANIMOUSLY APPROVED.

(Resolution No. 4073)

3. **CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Mary Jane Downs, 1091 Calumet, stated that she would like to see the area between 3rd Street and Beale Street put up for recognition by the National Historic Places division in Washington, DC. Ms. Downs also wanted some suggestions as to how to help her friend, Ms. Ann Wallace, 213 Oak Street, obtain legal assistance. Mayor Gates asked Ms. Downs to call the office tomorrow morning and staff should be able to give her some direction where to go for assistance.

4. **CONSENT AGENDA**

a) **Special Event Liquor License**

–Scott Dieringer, agent for the Mohave Livestock Assn., is requesting a special event liquor license for a fund raising event. The event will be at the Powerhouse, Saturday February 12 from 4:30 pm to 1:00 a.m.

b) **Resolution No. 4064**

Release of assurances for Diamondback Ridge, Tract 1974

c) **Resolution No. 4074**

Approval of the final plat, accepting property escrow assurances and acceptance of grant of public utility easement for Rancho Santa Fe IV, Tract-1953-F

d) **Amendment one to Intergovernmental Agreement # JPA-00-186 with ADOT for the Mohave Wash Pathway project**

e) **AWARD OF BIDS/PROPOSALS/CONTRACTS**

KPD – purchase of radio consoles to Durham Communications in the amount of \$99,019.44, and authorizing the use of \$14,019.44 in contingency funds [purchase under state contract #AD000056-001, per Kingman City Code, Sec. 2-160(e)]

f) **ACCOUNTS PAYABLE CLAIMS - \$664,365.69**

After no discussion, Vice Mayor Spear made a MOTION to APPROVE the Consent Agenda. Councilmember French SECONDED and it was UNANIMOUSLY APPROVED.

(Resolution No. 4064)

(Resolution No. 4074)

Unfinished Business: (for action)

5. Ordinance No. 1466

A request from Lee & Gail Bruno and Jay & Tomma Schritter, applicants and property owners, for the rezoning of certain property from R-R: Rural Residential to R-1-10: Residential, Single Family, 10,000 square foot lot minimum. The proposed rezoning would allow for the future single family residential development. The subject property is located north of Rancho Santa Fe III, Tract 1950-C, south of I-40 and east of the alignment of Cherokee Street. The property is approximately 18.62 acres in size and is further described as a portion of the south half of the southwest quarter of Section 10, T.21N., R.16W., of the G. & S.R.M., Mohave County, Arizona.

Planning and Zoning Director Tom Duranceau stated that Council heard this case on the Regular Meeting of the Common Council on January 03, 2005. Discussion surrounded the requirement for full street improvements to be completed along Cherokee Street if it is to provide sole access to the subject site. A 42-foot right-of-way (r-o-w) is dedicated along the east side of Cherokee. 42' is half of a minor arterial. State Trust Land is located to the West. Unless Council is prepared to require the developer to acquire additional r-o-w from the State Trust Land Section, this proposal provides the full pavement width. Not requiring curb, gutter and sidewalk on the west side of the street will leave flexibility in the final street width dependant on what occurs in Section 16, Section 9 and whether Cherokee gets developed as a freeway overpass route.

Mayor Gates stated that the direction given at the January 03, 2005 Council Meeting was that this Ordinance be tabled until the developer can meet the Subdivision Ordinance. Mayor Gates then asked Mr. Duranceau if this meets the Subdivision Ordinance. Mr. Duranceau stated that in his opinion, if more than the proposed 43 lots were being developed, then it would not meet the Subdivision Ordinance for traffic passing safely through. But as it stands, he sees no issue with the approval of this Ordinance.

Interim City Manager Terry Zerkle stated that the intent of the Subdivision Ordinance is for full streets to have enough paved width to allow traffic to pass through safely and in his opinion, this meets the Subdivision Ordinance.

The Public Hearing was opened. Citizen comments included the following:

Rachael Thalrose, 2770 Broken Arrow, stated that she was here on behalf of the Rancho Santa Fe residents. She voiced her concerns and opposition for the project.

Jeff Goldberg, representing the applicants, reiterated that this is not part of Rancho Santa Fe and this Ordinance is compliant. Development has increased the paved area and curb and gutter will be placed on the East side of Cherokee. This is compliant with the maximum street that can be put in a 42' r-o-w. Mr. Goldberg also stated that it appeared, to him, that some of the Councilmembers want to reject this and the developer is compliant with the standards for local streets.

Mayor Gates stated, to Mr. Goldberg, that she took offense to the statement that it seems as if some Councilmembers want to reject this.

Dale Couch, resident of Rancho Santa Fe, stated his concerns for ingress/egress and believes that passing Ordinance 1466 will lead to traffic congestion.

Vice Mayor Spear clarified that this current plan does not include access through Rawhide Dr. Councilmember Baker questioned whether or not this area can handle the traffic it already has, much less more. Mayor Gates stated that this should emphasize growth paying for growth and she will support this Ordinance because it does meet the Subdivision Ordinance for local streets.

The Public Hearing was closed.

After no further discussion, Councilmember French made a MOTION to APPROVE Ordinance No. 1466. Councilmember Carter SECONDED. Councilmember Baker voted NAY and Ordinance No. 1466 was APPROVED by a vote of 6-1.

(Ordinance No. 1466)

New Business: (for review, comment and/or action)

6. a) Authorizing the Mayor to sign a revised agreement with Stantec Consulting, Inc., for design work on the Airway underpass; and

City Engineer Pete Johnson stated that this amendment will add a number of items to the existing agreement with Stantec Consulting, Inc. including engineering services required in conjunction with the proposed improvement district and during construction. The construction services would include assistance with contract administration, construction inspection, staking, materials testing and coordination with BNSF, etc.

The Fiscal Impact of the amendment provides for payment of a lump sum fee of \$35,500 for engineering related to the establishment of the improvement district. Construction services are to be provided on an "as required" basis with payment for the actual time and expenses incurred, not to exceed \$441,500.

After no further discussion, Vice Mayor Spear made a MOTION Authorizing the Mayor to sign a revised agreement with Stantec Consulting, Inc., for design work on the Airway underpass. Councilmember Moon SECONDED and it was UNANIMOUSLY APPROVED.

- b) Report on status of Airway Avenue extension/Railroad underpass project

City Engineer Pete Johnson stated that this is intended to be a status report on the Airway Avenue Extension/Railroad Underpass project. Stantec Consulting, Inc. is continuing to work in the design and construction plans and specifications for this project, which will include five lane improvements with curb, gutter, sidewalk and street lights for Airway Avenue from Andy Devine to Castle Rock Road. The City has commented on the "95% plans" for most of the work. The segment from Diamond Street to Castle Rock Road was just added to the scope of work in October, 2004.

The City is working with Stantec Consulting, Inc. on an amendment to their agreement to cover services related to an improvement district proposed to fund a portion of the project costs. This amendment will also cover engineering services during construction.

The City has met with representatives of the BNSF Railway Co. and has received and provided some preliminary comments on a proposed agreement covering the underpass construction. BNSF is working on cost estimates for an easement across their right-of-way and for construction that would be completed by BNSF forces. It should be noted, one of the issues that will have to be addressed in the development of the agreement is the possible closure of an existing at-grade railroad crossing. BNSF has indicated they would consider constructing the underpass structure (bridge) with BNSF forces if the City identifies and agrees to close an at-grade crossing. It is understood the City would still have to reimburse BNSF for the costs of this work. Mr. Johnson stated that he is not sure what will happen if the City does not close an at-grade crossing and it would be almost impossible to close an at-grade crossing during the time of construction due to public safety reasons. Mr. Johnson also stated that he plans to meet with BNSF in early February.

In mid-December, the City established a list of project milestones with the goal of starting construction by July 1, 2005. At that time, the various parties including Bond Counsel, Financial

March 15, 2005: Complete design, construction plans and specifications, bidding documents, cost estimates, developer agreements and other legal items related to funding.

March 21, 2005: City Council approval to proceed with construction; Resolution of Intention and Resolution Ordering the work.

March 28, 2005: Advertise for bids for the construction contract

May 2, 2005: Receive and open bids

May 16, 2005: City Council award of construction contract

June 15, 2005: Secure financing – sell bonds

June 24, 2005: Issue Notice to Proceed to contractor. The estimated construction contract time period is 8 or 9 months.

Interim City Manager Terry Zerkle suggested that alternatives for Council consideration should be developed.

Councilmember Moon stated that property taxes should be looked at and Mayor Gates stated that they will be looked at through the course of the Rate and Revenue Study. Mayor Gates also stated that the sales tax the City receives will not be enough.

7. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Bill Nugent, resident of the City of Kingman and a developer, voiced his displeasure with staff for delaying his project.

8. DEPARTMENT REPORTS

- Comm. Dev. – Review and direction regarding LRSP Heritage Fund grant application

Rob Owen of the Community Development Office stated that the application deadline for the FY 2005 Local, Regional, State Parks (LRSP) Heritage Fund grant program is February 28, 2005. This program is competitive and offers a 50% match to local funds for park and recreation projects. The money comes from the Arizona Lottery and is administered by the Arizona State Parks Board. The City of Kingman has used this program in the past for the replacement of restrooms at Metcalfe and Firefighter's Parks, the construction of Walleck Ranch Park, and the Southside and Centennial park concession buildings

Two projects that have been identified by staff include the replacement of the restroom at Lewis Kingman Park and the replacement of ball field lighting at Centennial Park. Rough cost estimates for the projects put the costs of the restroom at approximately \$100,000 and the lighting at \$200,000. More detailed cost estimates would be prepared as a part of the application process. If awarded, the City of Kingman would be responsible for 50% of these costs.

Staff is requesting direction from the Council on whether or not to make application for either or both of these projects, or any other eligible project that the Council may identify. Council would need to approve a resolution authorizing application at a subsequent meeting.

Mayor Gates asked about getting grant requests mid-year and stated her concerns in regards to that. Interim City Manager Terry Zerkle stated that unfortunately, grant applications do not coincide with the City's budget process. It could be construed as the City agreeing to pay the City's share by making application. Vice Mayor Spear stated that this goes back to Capital Improvement Project construction.

Spear stated that he would like to see some assessment for these types of projects. Mayor Gates also stated that she would like to have these discussions during the next budget year.

After more Council discussion, it was decided that application would not be made at this time.

- KART – Review and direction regarding grant application for funding

Transit Coordinator Beth O'Connor stated that the Transit Advisory Commission has recommended applying for an additional bus route in the annual 5311 Federal Grant Application that is due to ADOT by February 25th, 2005. The third route would provide service to the area east of the railroad tracks, between Louise and Airway Avenues, as well as west of Grandview Ave. Both of these areas have a high population of persons who are typically transit-dependent, and KART has received numerous requests for service in these areas. This would be an expansion of the service as well as an increase in the annual budget, as it relates to the City's contribution to the program. If Council does not wish to expand the service at this time, the grant application would be submitted based on current operations.

Beth also stated that an application does not commit the City of Kingman to funding at this time. Depending on the level of funding received from the grant, the required City funds to add a third route would increase by \$51,115 or a total of approximately \$240,000.

Since the application is due February 25, 2005, staff is seeking direction from Council on whether or not you wish to consider the third route.

Community Development Director Dennis Roberts stated that application has to be made one way or another. Mayor Gates questioned if this is for expansion only and Beth stated yes. Dennis also clarified that if the City does not want to expand the route, then the application would just cover the current services. Mayor Gates believes this would be best discussed during budget sessions so that Council could get a better idea of the monetary scope of things. Beth clarified that this would be for next budget year and Mayor Gates stated that it's hard to make the decision until budget sessions begin.

Vice Mayor Spear stated that he would like to see application made for the third route and Councilmember Carter agreed. Spear stated that when this is presented at budget time, he would like to see this in two separate proposals. One with the two current routes and one with all three routes so that Council can see the difference between the two.

It was a consensus that KART will make application with the understanding that the City is not agreeing to the cost at this moment.

- Eng. – Status report on possible Improvement Districts for Kingman Airport Tract and Banks Airport Tract

City Engineer Pete Johnson stated that on December 27, 2004, letters were sent to property owners of record within the area of a possible improvement district between Airway Ave and Kino east of the previous Kingman Airport Tract Improvement District. Recipients of the letter were requested to return the bottom portion with an indication of support or opposition to the proposed improvement district. Through January 11, 2005, the City has received the following amount of written responses:

Kingman Airport Tract portion:

Total Lots (50' x 100')	363
In Favor of I.D.	100
Opposed to I.D.	17

No response was received from one property owner who had previously submitted a request for an I.D. for some 78 lots within this area.

Banks Airport Addition portion:

Total Lots (25' x 100')	486
In favor of I.D.	87
Opposed to I.D.	74

Within this area, one block of Pearl and one block of Irving are developed with all improvements except sidewalks. The numbers for this portion are:

Total lots (25' x 100')	96
In favor of I.D.	11
Opposed to I.D.	27

Staff is seeking direction from Council on this possible improvement district. Options may include:

- Proceed toward implementation of an improvement district for the area in question, or some modified area
- Do not pursue an improvement district at this time.

It was a consensus of the Council to direct staff to move forward with this project.

9. DIRECTION TO THE CITY MANAGER/ANNOUNCEMENTS BY MAYOR & COUNCILMEMBERS

Mayor Gates reminded everyone that the majority of the Council will be leaving on Thursday, of this week, to meet with the new legislators of the State.

Councilmember Carter stated that he went to the Governor's Task Force Meeting on Friday concerning water conservation. He observed that there is still a great deal of concern for rural communities that are using aquifers for water sources.

Councilmember Lyons stated that some people have complained that there's an illegal dumping area behind the Hillcrest Motel. There are mattresses, sofas and not aesthetic and he believes this is something that the City should take care of and maybe even post a sign stating that there could be a fine for illegal dumping.

Mayor Gates wanted to thank Chief DeVries, Ray Lyons and Jim Baker, for participating in last Saturday's Community Coffee. All went well.

Councilmember French stated that early this week, he went to a transportation review meeting. In previous years, WACOG has only been able to vote every two years. Now, they will get a chance to vote every year.

Mayor Gates also stated that this is Interim City Manager Terry Zerkle's last Council Meeting. Terry stated that he would like for all to know that it has been his pleasure to work with Mayor and Council, staff and the community members that he's had a chance to interact with.

10. EXECUTIVE SESSION (per A.R.S. § 38-431.03 A.3)

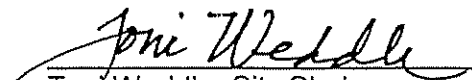
There was no call for Executive Session.


Councilmember French made a MOTION to ADJOURN. Councilmember Lyons SECONDED and it was UNANIMOUSLY APPROVED.

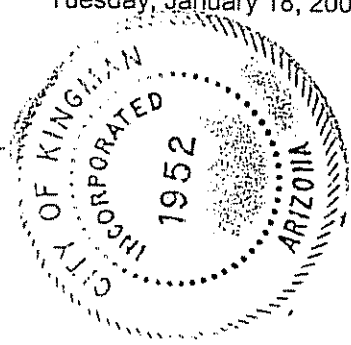
ADJOURN: 8:04 PM

ATTEST:

APPROVED:


Toni Weddle, City Clerk


Monica Gates, Mayor



STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Angela Gray, Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on Tuesday, January 18, 2005.

Dated this 2nd day of February, 2005


Angela Gray, Deputy City Clerk

CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL

DATE: January 18, 2005

PLEASE PRINT

- 1 MARY JANE DOWNS (POPULAR ARTIST)
- 2 KATHY "MARY" RUSSELL
- 3 RAY BEAUFET
- 4 RAD GREEN
- 5 BEN DICAUDIO
- 6 Robert J. Nee
- 7 Robert Brannon
- 8 Sue Brannon
- 9 Ivan Brannon
- 10 Lee Hannahs
- 11 Evelyn Hannahs
- 12 Rachel Talrose
- 13 Charles E. Hupp
- 14 Brian Van Dyke
- 15 Darryl Pope
- 16 Jeff Goldberg
- 17 KEN GRUHLE
- 18 Bill Couch
- 19 Betty Couch
- 20 Larry Schmitter
- 21 John Proffit
- 22 BILL MATUNAS
- 23 Wayne Ayers
- 24 _____
- 25 _____
- 26 _____
- 27 _____
- 28 _____
- 29 _____
- 30 _____

ATTORNEY APPROVAL FORM

FOR THE CITY OF KINGMAN

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the City of Kingman, an agreement among public agencies, which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 23 day of January, 2005.

Robert A. T. J.
Attorney